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JUDGE SAND

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

07 CV 3387

Case No.:

LILLIAN OYOLA,

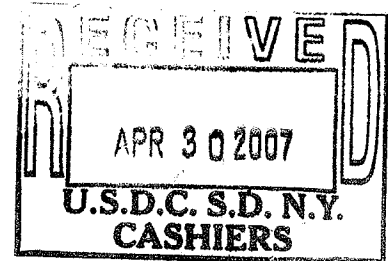
Plaintiff,

NOTICE OF REMOVAL

- against -

WAYNE BERNARD CAMPBELL,

Defendant.



TO: Kuharski, Levitz & Giovinazzo
Attorneys for Plaintiff
7 Dey Street, 14th Floor
New York, New York 10007
(212) 228-1331

Clerk, Supreme Court of the State of New York
County of Bronx
851 Grand Concourse
Bronx, New York 10451

Defendant, Wayne Bernard Campbell, files this Notice of Removal pursuant to 28 U.S.C. §§1441 and 1446, and states the following in support.

1. The removed action bears Index No. 14103/07 in the Supreme Court of the State of New York, County of Bronx, captioned Lillian Oyola v. Wayne Bernard Campbell. A copy of the Summons and Verified Complaint dated April 5, 2007 is annexed hereto as Exhibit "A."

2. This case arises from an incident on October 19, 2006 in which the plaintiff Lillian Oyola, a pedestrian, was allegedly injured when she was struck by a vehicle driven by the defendant, Wayne Bernard Campbell, at the intersection of 176th Street and Grand Concourse in Bronx County, New York.

3. The plaintiff is a resident of Bronx County, New York.

4. Defendant Wayne Bernard Campbell is a resident of Richmond, Virginia.

5. Because there is complete diversity and, upon information and belief, the amount in controversy allegedly exceeds \$75,000 (the ad damnum is \$2 million), this Court has jurisdiction over this action pursuant to 28 U.S.C. § 1332, and the action may be removed pursuant 28 U.S.C. § 1441(b) as this notice is being filed within 30 days from receipt of plaintiff's Verified Complaint dated April 5, 2007, which is the first pleading alleging the nature and extent of plaintiff's injuries and alleging the value of the plaintiff's injuries as exceeding \$75,000.

6. Written notice of the filing of this notice of removal is being filed with the Supreme Court of the State of New York for the County of Bronx and provided to the plaintiff's attorney as required by law.

WHEREFORE, defendant Wayne Bernard Campbell requests:

- a. That this action be removed from the Supreme Court of the State of New York, Bronx County to the United States District Court for the Southern District of New York; and
- b. For such other and further relief as this Court may deem just and proper.

Dated: New York, New York
April 27, 2007

**HAVKINS ROSENFELD RITZERT &
VARRIALE, LLP**

By: _____

Jonathan A. Judd (JJ 1655)

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TO: KUHARSKI, LEVITZ & GIOVINAZZO

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